

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 26487 of 1998

Between:

1 P. Srinivas, S/o. Poshaiiah, Working in Raja

Rajeswara Swamy Devastanam, Vemulawada,

Karimnagar District.

2 P. Narsaiah, S/o. Kashaiah, Working in Raja

Rajeswara Swamy Devastanam, Vemulawada,

Karimnagar District.

3 A. Narsaiah, S/o. Poshaiiah, Working in Raja

Rajeswara Swamy Devastanam, Vemulawada,

Karimnagar District.

4 P. Rajesham, S/o. Rajaiah, Working in Raja

Rajeswara Swamy Devastanam, Vemulawada,

Karimnagar District.

5 G.Gangaram, S/o. Narsaiah, Working in Raja

Rajeswara Swamy Devastanam, Vemulawada,

Karimnagar District.

6 K. Tirupathi, S/o. Lingaiah, Working in Construction

wing of Sri Raja Rajeswara Swamy Devasthanam,

Vemulawada, Karimnagar District.

..... PETITIONERS

AND

- 1 The Executive Officer, Sri Raja Rajeswara Swamy Devasthanam,
Vemulawada, Karimnagar District.
- 2 The Commissioner of Endowments, A.P.,
Hyderabad.
- 3 Government of A.P., Rep by its Secretary, Revenue

(Endowments) Dept., Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of Mandamus declaring that the petitioners are entitled to be absorbed as regular Mason/Sweepers or any other suitable posts in Sri Raja Rajeswara Swamy Devasthanam, Vemulawada on the strength of their service N.M.Rs. and also daily labour since 1987 and also entitled to be paid regular scale of pay on par with other regular employees discharging the same type of duties and also on the basis of Government policy laid down in G.O.Ms. No. 212, dt. 22.4.1994 and other relevant G.Os. from time to time read with dictum of law laid down by this Hon'ble Court as well as the Hon'ble Supreme Court with regard to regularization of N.M.Rs. with all consequential benefits by holding the action of the 1st respondent in terminating the services of the petitioners from 29.8.1998 without serving any termination order under the guise of orders of Commissioner vide Lr. No. L.Dis. 36570/97, dt. 27.1.1998 issued by the commissioner of Endowments, A.P., Hyderabad, (not served on the petitioners) is as illegal, arbitrary, discriminatory and subversive of Article 14,16 and 21 of the Constitution and also violative of principles of natural justice and also on the basis of dictum of law laid down by the High Court and Supreme Court besides opposed to the policy of Government with regard to absorption of daily wage employees.

Counsel for the Petitioners: MR.D.Linga Rao

Counsel for the Respondent No.1: MR.K.V.N.BHUPAL

Counsel for the Respondent No.2 & 3: G.P. FOR ENDOWMENTS

The Court made the following:

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ORDER:

Heard both sides. At their request, the main writ petition itself is taken up for disposal.

The petitioners herein, by way of Writ of Mandamus, seek for regularization of their services. Their case is that even though they have been working for the last several years, their cases have not been considered. Further, it is now pointed out that in similar circumstances similarly placed persons have approached this Court in W.P.No.24636 of 1996 and the same was disposed of on 5-8-1997 directing the respondents to consider the cases of the petitioners for regularization in accordance with G.O.Ms.No.212. Consequently, the services of the petitioners in W.P.No.24636 of 1996 have also been regularized. Therefore, the petitioners herein, being placed in similar circumstances, are also entitled to the same relief.

Accordingly, this writ petition is allowed directing the respondents to consider the cases of the petitioners for regularization in accordance with G.O.M.s.No.212 without reference to the cut off date, and taking into consideration the date on which they complete five years of service as already held by this court in the judgment referred to above. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

04-04-2005

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the acting Chief Justice on this

Monday, the fourth day of April, Two thousand and five.

REGISTRAR

To

- 1 The Executive Officer, Sri Raja Rajeswara Swamy Devasthanam,
Vemulawada, Karimnagar District.
- 2 The Commissioner of Endowments, A.P.,
Hyderabad.
- 3 The Secretary, Revenue (Endowments) Department,

Government of A.P., Secretariat, Hyderabad.

- 4 Two CCs to Government Pleader for Endowments,

High Court Buildings, Hyderabad. (OUT)

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